

EXHIBIT 2

Public Comments

Bryan, Patrick (ENRD)

From: Adrian P. Kendall <akendall@nhdlaw.com>
Sent: Thursday, June 18, 2020 3:31 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Cc: Scott Morelli (smorelli@southportland.org); Lewis, Kate (klewis@southportland.org)
Subject: US v. Sprague Resources LP DJ Ref No. 90-5-2-11436: Request for Extension of Comment Period
Attachments: 2020_06_18_15_23_01.pdf
Importance: High

To the Assistant Attorney General, Environment and Natural Resources Division:

Please find attached the request of the City of South Portland for a 60 day extension to the comment period on the above reference proposed consent decree.

Due to the extremely tight meeting schedules of the South Portland City Council and the City's Clean Air Advisory Committee, as well as related public notice requirements for those meetings, we are respectfully requesting expedited action on this request.

Thank you.

Best regards,

Adrian

Adrian P. Kendall, Esq.
Norman, Hanson & DeTroy, LLC
Honorary Consul of the Federal Republic of Germany
Two Canal Plaza - Portland ME 04112-4600 USA
Tel: 207.774.7000 Direct: 207.553.4656 Fax: 207.775.0806
www.nhdlaw.com
[LinkedIn Profile](#)



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Request of the City of South Portland, Maine, for Extension of Public Comment Period for Proposed Consent Decree Under the Clean Air Act. Expedited Action Requested.

Ref: *United States, et al. v. Sprague Resources LP, et al.* D.J. Ref. No. 90-5-2-1-11436.

To the Assistant Attorney General, Environment and Natural Resources Division:

On May 29, 2020 the Department of Justice (DOJ) filed a complaint (the “Complaint”) and lodged a proposed consent decree (the “Consent Decree”) with the United States District Court for the District of Massachusetts in the lawsuit entitled *United States, et al. v. Sprague Resources L.P., et al.*, Civil Action 1:20-cv-11026. The Complaint was filed on behalf of the United States and the Commonwealth of Massachusetts against Sprague Resources L.P. and Sprague Operating Resources, LLC (together and individually, “Sprague”) under Section 113(a)(1) and 113(b) of the Clean Air Act, and the Massachusetts Clean Air Act. The Complaint alleges violations by Sprague at its facilities in in Everett and Quincy, Massachusetts; Searsport and South Portland, Maine; Newington, New Hampshire; and Providence, Rhode Island.

With specific reference to South Portland, Maine, the United States’ Complaint alleges that:

- (i) Prior to July 15, 2015, Sprague failed to obtain a license from the Maine DEP to emit volatile organic compounds (“VOCs”) in connection with the storage and distribution of No. 6 oil and asphalt at its South Portland facility (Complaint, Twelfth Claim for Relief, p.36);
- (ii) Sprague failed to adequately address VOC emissions because its emissions were not subject to an emissions license issued by the Maine DEP (Complaint, Thirteenth Claim for Relief, p.37); and
- (iii) Sprague commenced the construction of modifications to its South Portland facility without an air emissions license issued by the Maine DEP (Complaint, Fourteenth Claim for Relief, p.38).

The proposed consent decree (“Consent Decree”) would, among other things:

- (i) Require Sprague to limit its operations to no more than six (6) heated tanks containing asphalt;
- (ii) Permit the conversion of one (1) of the six (6) asphalt tanks to the storage of No. 6 fuel oil only upon the satisfaction of certain conditions;
- (iii) Restrict Sprague’s South Portland facility to throughput limits of 105,000,000 gallons of asphalt and 10,000,000 gallons of No. 6 fuel oil, both on a rolling annual basis;
- (iv) Require Sprague to design, obtain EPA approval for, and install vents, demisters and carbon beds (the “Carbon Systems”) for all heated tanks; and,
- (v) Require Sprague to obtain EPA approval for and implement a maintenance and operation plan for the Carbon Systems.

Notice of the lodging of the Consent Decree was published in the Federal Register on June 4, 2020. See, 85 Fed.Reg. 34466. The publication of the original notice opened a thirty (30) day period for public

comment on the proposed Consent Decree. The comment period ends on Saturday, July 4, 2020; July 3, 2020 is a federal holiday.

The City Council of the City of South Portland ("City"), acting through its undersigned legal counsel, hereby requests that the comment period be extended by a period of **sixty (60) days** so that it may (i) continue to gather relevant information, inform itself and its residents as to the facts and the science behind the very serious allegations against Sprague, (ii) obtain feedback from its residents, especially those who live in the vicinity of Sprague's facility, and (iii) consider appropriate responses to the various elements of the proposed consent decree. **The City of South Portland urges that this request be considered and acted upon on an expedited basis so that it may plan its comment preparation and submission procedures.**

In support of this request, the City of South Portland submits:

1. Prior to the publication of the Complaint and the proposed Consent Decree, the City of South Portland was not consulted upon and was unaware of the terms of the Consent Decree terms as they related to the Sprague South Portland facility.
2. The City of South Portland City Council has been devoting, and continues to devote, significant amounts of its time and attention to issues directly related to the health, economic, and other community impacts of the COVID-19 pandemic and the current state of emergency.
3. The City of South Portland should be afforded adequate time to assess the factual, technical, and regulatory bases of the allegations against Sprague, the likely impacts of the alleged misconduct on the citizens of the City of South Portland, and the appropriateness of the compliance requirements proposed in Appendix G to the Consent Decree in light of the alleged misconduct and their likely impacts.
4. The City understands that, despite the fact that the EPA is alleging violations and potential violations by Sprague of laws and regulations administered by the Maine Department of Environmental Protection ("DEP"), the Maine DEP does not agree with some or all of the allegations against Sprague. The City of South Portland should have adequate opportunity to assess this difference between the stances of the federal and state regulatory agencies.
5. As part of its response to the *U.S. v. Global Partners, et al.* matter, the City of South Portland City Council created the Clean Air Advisory Committee ("CAAC") to conduct fact finding and to advise the City Council on issues relating to air emissions and air quality in the City of South Portland.
6. A thirty (30) day timeframe for comment submission on a matter as important as this is a short period in any case, but the meeting schedules of the City Council and the CAAC make it even more difficult, if not impossible, to allow adequate time for the investigation, soliciting of public comment, and drafting of well-considered comments on the proposed Consent Decree by the CAAC and the review, and adoption of such comments by the City Council.
7. The City Council and the CAAC have been acting diligently to review the allegations in the Complaint and the terms of the proposed.
8. Additional time is required for the City Council, the CAAC, and the residents of the City of South Portland to fully understand the nature of the alleged violations, the potential environmental

and public health effects of the alleged violations, and to formulate comprehensive and meaningful comments on the Consent Decree.

In light of the foregoing, the City of South Portland respectfully requests that the comment period in this matter be extended by 60 days to September 2, 2020.

Respectfully submitted,

A handwritten signature in blue ink, reading "Adrian P. Kendall". The signature is fluid and cursive, with a horizontal line drawn underneath the name.

Adrian P. Kendall, Esq.

Norman, Hanson & DeTroy, LLC

Two Canal Plaza

Portland, ME 04112-4600

Email: akendall@nhdlaw.com

Tel: (207) 774-7000

Martha Roy

From: Meghann Wayss [REDACTED]
Sent: Friday, July 10, 2020 6:51 AM
To: Eleanor Boy; Martha Roy
Subject: Smell from the ships off loading

Good morning!

I hope this email finds you well!

I would appreciate this email being brought to the attention of the selectman today.

Last night at about 11:30 and this morning at 6:30 we were woken from a dead sleep by the noxious fumes of the ships offloading. As of 6:45 I have a raging headache from the smell. There is no reason for the smell to be as strong as it is. I am concerned that maybe there is a leak that needs tending too.

The only other thing I could think is the paving going on on the highway ? Either way it is problematic and I would greatly appreciate the town looking into this problem for us.

Be well,

Meghann Wayss
[REDACTED]
[REDACTED]

Sent from my iPhone

From: Martha Roy [<mailto:mroy@townofnewingtonnh.com>]
Sent: Friday, July 10, 2020 10:42 AM
To: Deegan, Dave <Deegan.Dave@epa.gov>
Subject: FW: Proposed Settlement Documents - Sprague Resources

Hi Dave,

This tank farm in Newington has continually plagued the town over the past two years. We have been filing complaints with Sprague and NHDES but did not know that your office was involved as well. The noxious fumes continue without abatement. We have had complaints as recently as this morning about the fumes. Is there any relief we can expect moving forward?

Thanks for your help,
Martha

Martha S. Roy
Town Administrator
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640 ext 210
mroy@townofnewingtonnh.com

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From: Deegan, Dave [<mailto:Deegan.Dave@epa.gov>]
Sent: Wednesday, June 3, 2020 3:35 PM
To: Martha Roy
Cc: Gutro, Doug; Deegan, Dave
Subject: Proposed Settlement Documents - Sprague Resources

Hello Ms. Roy,

I hope this is helpful. Feel free to let me know if there's anything else I can assist with.

Best Regards,

Dave

~~~~~

Dave Deegan

U.S. EPA, New England Regional Office

Office of Public Affairs

phone: 617.918.1017 | mobile: 617.594.7068



**From:** Martha Roy <[mroy@townofnewingtonnh.com](mailto:mroy@townofnewingtonnh.com)>  
**Sent:** Wednesday, June 03, 2020 1:16 PM  
**To:** Deegan, Dave <[Deegan.Dave@epa.gov](mailto:Deegan.Dave@epa.gov)>  
**Subject:** RE: EPA Press release : Proposed Settlement Will Help Reduce Air Pollution from Sprague Heated Tanks Across New England

Hi Dave, Can you forward the actual settlement agreement to me? Thanks for your help, Martha

Martha S. Roy

Town Administrator  
Town of Newington  
205 Nimble Hill Road  
Newington, N.H. 03801  
Phone: 603-436-7640 ext 210  
[mroy@townofnewingtonnh.com](mailto:mroy@townofnewingtonnh.com)

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**From:** Deegan, Dave [<mailto:Deegan.Dave@epa.gov>]  
**Sent:** Friday, May 29, 2020 4:21 PM  
**To:** [Tom.Philbin@ci.everett.ma.us](mailto:Tom.Philbin@ci.everett.ma.us); [ecrowell@providenceri.gov](mailto:ecrowell@providenceri.gov); [TAmbrosino@chelseama.gov](mailto:TAmbrosino@chelseama.gov); [manager@searsport.maine.gov](mailto:manager@searsport.maine.gov); Martha Roy; [smorelli@southportland.org](mailto:smorelli@southportland.org); [neil.mello@newbedford-ma.gov](mailto:neil.mello@newbedford-ma.gov)  
**Cc:** Deegan, Dave; Gutro, Doug  
**Subject:** FW: EPA Press release : Proposed Settlement Will Help Reduce Air Pollution from Sprague Heated Tanks Across New England

Hello,

We wanted to make sure you were aware of this press release being issued by EPA this afternoon. Thanks and best regards!

Dave  
~~~~~

Dave Deegan
U.S. EPA, New England Regional Office
Office of Public Affairs
phone: 617.918.1017 | mobile: 617.594.7068



From: US EPA New England Region <noreply-subscriptions@epa.gov>

Sent: Friday, May 29, 2020 4:15 PM

To: Deegan, Dave <Deegan.Dave@epa.gov>

Subject: Proposed Settlement Will Help Reduce Air Pollution from Sprague Heated Tanks Across New England



For Immediate Release: May 29, 2020

CONTACT: David Deegan, (617) 918-1017, deegan.dave@epa.gov

Proposed Settlement with United States and Massachusetts Will Help Reduce Air Pollution from Sprague Resources' Heated Petroleum Storage Facilities Across New England

BOSTON – Under a proposed settlement with the United States and the Commonwealth of Massachusetts, Sprague Resources LP will take steps to limit emissions of volatile organic compounds (VOCs) from oil storage tanks at seven facilities across New England. The terms of the proposed settlement are designed to bring Sprague into compliance with federal air pollution control laws that regulate the emissions of VOCs from heated #6 oil and asphalt tanks, which can pose public health risks.

The tanks covered under this settlement are located in Everett, Quincy, and New Bedford, Massachusetts; Searsport and South Portland, Maine; Newington, New Hampshire; and Providence, Rhode Island. This agreement resolves alleged violations by Sprague of federal and Commonwealth of Massachusetts clean air laws.

"This settlement will improve compliance with important clean air laws at Sprague's facilities that have heated oil tanks, which means cleaner air for communities across New England," **said EPA New England Regional Administrator Dennis Deziel**. "EPA is dedicated to working with our state and federal partners to address important air pollution issues, like controlling VOC emissions from heated oil tanks across New England."

"In the midst of a pandemic, it is more important than ever that industrial facilities emitting dangerous air pollutants comply with laws that protect the health of our residents—especially those in environmental justice communities disparately impacted by COVID-19," **Massachusetts Attorney General Maura Healey said**.

“Today’s settlement will help protect our clean air and reduce health risks within our most vulnerable communities, which are a top priority during this crisis.”

“Sprague is required to obtain air quality permits to regulate its operations, consistent with other petroleum and asphalt storage facilities in Massachusetts,” **said Eric Worrall, Director of the Massachusetts Department of Environmental Protection’s Northeast Regional Office in Wilmington.** “This settlement will assist Massachusetts’ efforts to further reduce ozone and improve air quality in the Commonwealth and throughout New England.”

Under the agreement:

- Sprague will apply for revised state air pollution control permits for facilities in Massachusetts, New Hampshire, and Maine, where such permits are required, which will limit the amount of #6 oil and asphalt the company can pass through its facilities and will limit the number of tanks that can store #6 oil and asphalt at any one time. These measures will reduce VOC emissions, improving air quality and reducing public health risks. Under the agreement, Sprague must apply for permits for facilities in Everett and Quincy, Massachusetts, Newington, New Hampshire, and South Portland and Searsport, Maine.
- A Sprague-owned facility in New Bedford, Massachusetts, will stop storing #6 oil and asphalt. This facility would be allowed to open one tank to store asphalt if it obtains a permit for that activity.
- Sprague will install, operate and maintain carbon bed systems to reduce odors from several tanks in South Portland, Maine, and Quincy, Massachusetts, which have been the subject of odor complaints from nearby residents.
- Sprague will pay a total of \$350,000 in civil penalties, \$205,000 to the U.S. government and \$145,000 to the Commonwealth of Massachusetts.

VOC emissions contribute to the formation of ground-level ozone. To reduce ozone levels, the Clean Air Act and state air pollution laws require state permits to limit VOC emissions.

Sprague's heated petroleum storage tanks emit VOCs mainly because #6 oil and asphalt are stored at high temperatures to keep them in liquid rather than solid form. At high temperatures certain substances within these petroleum products vaporize—changing from liquid to vapor—and are vented to the air. Among other things, asphalt is used for paving roads, and #6 oil is used to heat industrial boilers.

VOCs include a variety of chemicals that may produce adverse health effects, such as eye, nose, and throat irritation, headaches, nausea, and damage to the liver, kidney, and central nervous system. Breathing ozone formed from VOCs can trigger a variety of health problems, particularly for children, the elderly, and anyone with lung diseases such as asthma. Ozone can also have harmful effects on sensitive vegetation and ecosystems.

For more information:

- The U.S. Department of Justice filed a Complaint and lodged the proposed Consent Decree in the United States District Court for the District of Massachusetts on behalf of EPA and the Commonwealth of Massachusetts today. The proposed Consent Decree is subject to a 30 day public comment period and final court approval. For more information, copies of the Complaint and Consent Decree will be available on the Department of Justice website, at <https://www.justice.gov/enrd/consent-decrees>

- More information from EPA on Clean Air Act requirements: <https://www.epa.gov/enforcement/air-enforcement>

#



If you would rather not receive future communications from U.S. EPA, Region 1, let us know by clicking [here](#).
U.S. EPA, Region 1, 5 Post Office Square - Suite 100, Boston, MA 02109-3912 United States

Martha Roy

Subject: FW: Sprague

From: Martha Roy
Sent: Wednesday, September 26, 2018 10:07 AM
To: Gerald Coogan <gcoogan@townofnewingtonnh.com>; Kevin Kelley <kkelley@townofnewingtonnh.com>
Cc: [REDACTED]
Subject: Sprague

There have been complaints and I have noticed a noxious odor coming from Sprague in the evenings for the last month. Can you please investigate this?

Thanks, Martha

Martha S. Roy
Town Administrator
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640 ext 210
mroy@townofnewingtonnh.com

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Martha Roy

From: Martha Roy
Sent: Monday, October 1, 2018 10:45 AM
To: Kevin Kelley
Subject: RE: Sprague

tk

From: Kevin Kelley
Sent: Monday, October 1, 2018 10:32 AM
To: Martha Roy
Subject: FW: Sprague

From Darin this morning.....I will look into it.

From: Sabine, Darin <dsabine@newingtonfire.org>
Sent: Monday, October 01, 2018 9:47 AM
To: Kevin Kelley <kkelley@townofnewingtonnh.com>
Subject: RE: Sprague

Yes I have firsthand been dealing with the odors but thought it was part of living in that end of town so I didn't say anything.

1. Steve Halloran, assistant terminal manager 603-431-5131, x 21
2. Kevin Bryam, maintenance supervisor 603-431-5131 x 12
3. Ken Foye – supervisor @ Avery lane 603-502-8542
4. Lance Dugan 431-5131-31

Name of Terminal Manager: Lance Dugan

Darin Sabine
Deputy Chief
dsabine@newingtonfire.org

Newington Fire & Rescue
TX 603.436.9441
FX 603.430.2700

From: Kevin Kelley <kkelley@townofnewingtonnh.com>
Sent: Monday, October 1, 2018 9:30 AM
To: Sabine, Darin <dsabine@newingtonfire.org>
Subject: FW: Sprague

Hi Chief,
Have you received any complaints about odors coming from Sprague ? Who would be a good contact to call?
thanks

From: Martha Roy
Sent: Monday, October 01, 2018 9:11 AM

To: Kevin Kelley <kkelley@townofnewingtonnh.com>; Gerald Coogan <gcoogan@townofnewingtonnh.com>

Cc: [REDACTED]

Subject: RE: Sprague

Hi Kevin, That is why I have issued the e-mail below to you. I have personally experienced the odor on 3 occasions. Thank you both for investigating this, M

From: Kevin Kelley

Sent: Sunday, September 30, 2018 11:25 AM

To: Martha Roy; Gerald Coogan

Cc: [REDACTED]

Subject: RE: Sprague

Remember any complaint needs to be in writing before I can act other than asking a few questions. This protects me and the town as well.

kk

From: Martha Roy

Sent: Wednesday, September 26, 2018 10:07 AM

To: Gerald Coogan <gcoogan@townofnewingtonnh.com>; Kevin Kelley <kkelley@townofnewingtonnh.com>

Cc: [REDACTED]

Subject: Sprague

There have been complaints and I have noticed a noxious odor coming from Sprague in the evenings for the last month. Can you please investigate this?

Thanks, Martha

Martha S. Roy

Town Administrator

Town of Newington

205 Nimble Hill Road

Newington, N.H. 03801

Phone: 603-436-7640 ext 210

mroy@townofnewingtonnh.com

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Martha Roy

From: Sabine, Darin <dsabine@newingtonfire.org>
Sent: Wednesday, October 17, 2018 3:06 PM
To: Martha Roy; Kevin Kelley; Gerald Coogan
Cc: [REDACTED]; Eric Weinrieb (eweinrieb@altus-eng.com)
Subject: RE: Noxious odors coming from Sprague

Given what they do at that place you are always going to have a smell on and off but it shouldn't last for days.

Darin Sabine
Deputy Chief
dsabine@newingtonfire.org

Newington Fire & Rescue
TX 603.436.9441
FX 603.430.2700

From: Martha Roy <mroy@townofnewingtonnh.com>
Sent: Wednesday, October 17, 2018 2:55 PM
To: Kevin Kelley <kkelley@townofnewingtonnh.com>; Sabine, Darin <dsabine@newingtonfire.org>; Gerald Coogan <gcoogan@townofnewingtonnh.com>
Cc: [REDACTED]; Eric Weinrieb (eweinrieb@altus-eng.com) <eweinrieb@altus-eng.com>
Subject: RE: Noxious odors coming from Sprague

Given the fact that this went on for most of the summer with no correction to the problem I request that the Planning Board make it a condition of approval that no noxious fumes will be emitted from anywhere on the facility so that if the problem occurs again we can bring him back in to Planning Board? Is that possible?

Is that possible? Our residents on both sides of Shattuck Way deserve some protection.

Thanks for your consideration, Martha

From: Kevin Kelley
Sent: Wednesday, October 17, 2018 12:26 PM
To: Sabine, Darin; Martha Roy; Gerald Coogan
Cc: [REDACTED]; Eric Weinrieb (eweinrieb@altus-eng.com)
Subject: RE: Noxious odors coming from Sprague

Thanks.....

From: Sabine, Darin <dsabine@newingtonfire.org>
Sent: Wednesday, October 17, 2018 12:24 PM
To: Martha Roy <mroy@townofnewingtonnh.com>; Kevin Kelley <kkelley@townofnewingtonnh.com>; Gerald Coogan <gcoogan@townofnewingtonnh.com>
Cc: [REDACTED]; Eric Weinrieb (eweinrieb@altus-eng.com) <eweinrieb@altus-eng.com>
Subject: RE: Noxious odors coming from Sprague

I have reached out to Ted Reed at Sprague about this issue and they have fixed it last I knew.
We have not had any order in the last two weeks.

Darin Sabine
Deputy Chief
dsabine@newingtonfire.org

Newington Fire & Rescue
TX 603.436.9441
FX 603.430.2700

From: Martha Roy <mroy@townofnewingtonnh.com>
Sent: Wednesday, October 17, 2018 8:35 AM
To: Kevin Kelley <kkelley@townofnewingtonnh.com>; Gerald Coogan <gcoogan@townofnewingtonnh.com>
Cc: [REDACTED]; Eric Weinrieb (eweinrieb@altus-eng.com) <eweinrieb@altus-eng.com>; Sabine, Darin <dsabine@newingtonfire.org>
Subject: Noxious odors coming from Sprague

Hi all,

I have notified you about the noxious odors coming from Sprague, primarily at night (unless Darin knows differently) initially on 9-26-18. What is the current status?

Is there a way to address this issue as part of the current review process with Sprague?

Kevin and Jerry, Have you reached out to Sprague about this problem and what was their response?

Thanks for your help, Martha

Martha S. Roy
Town Administrator
Town of Newington
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Phone: 603-436-7640 ext 210
mroy@townofnewingtonnh.com

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Martha Roy

From: DENIS HEBERT [REDACTED]
Sent: Wednesday, October 17, 2018 4:05 PM
To: Martha Roy
Subject: RE: Noxious odors coming from Sprague

I think this condition of approval was done years ago, before my time on PB. Look at the old records. But I planned on a dressing this issue again.

Sent from Xfinity Connect Application

-----Original Message-----

From: mroy@townofnewingtonnh.com
To: kkelley@townofnewingtonnh.com, dsabine@newingtonfire.org, gcoogan@townofnewingtonnh.com
Cc: [REDACTED], eweinrieb@altus-eng.com
Sent: 2018-10-17 2:57:04 PM
Subject: RE: Noxious odors coming from Sprague

Given the fact that this went on for most of the summer with no correction to the problem I request that the Planning Board make it a condition of approval that no noxious fumes will be emitted from anywhere on the facility so that if the problem occurs again we can bring him back in to Planning Board? Is that possible?

Is that possible? Our residents on both sides of Shattuck Way deserve some protection.

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Sent: Wednesday, October 17, 2018 12:26 PM
To: Sabine, Darin; Martha Roy; Gerald Coogan
Cc: [REDACTED]; Eric Weinrieb (eweinrieb@altus-eng.com)
Subject: RE: Noxious odors coming from Sprague

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Sent: Wednesday, October 17, 2018 12:24 PM
To: Martha Roy <mroy@townofnewingtonnh.com>; Kevin Kelley <kkelley@townofnewingtonnh.com>; Gerald Coogan <gcoogan@townofnewingtonnh.com>
Cc: [REDACTED]; Eric Weinrieb (eweinrieb@altus-eng.com) <eweinrieb@altus-eng.com>
Subject: RE: Noxious odors coming from Sprague

I have reached out to Ted Reed at Sprague about this issue and they have fixed it last I knew. We have not had any order in the last two weeks.

Darin Sabine
Deputy Chief
dsabine@newingtonfire.org

Newington Fire & Rescue
TX 603.436.9441
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From: Martha Roy <mroy@townofnewingtonnh.com>
Sent: Wednesday, October 17, 2018 8:35 AM
To: Kevin Kelley <kkelley@townofnewingtonnh.com>; Gerald Coogan <gcoogan@townofnewingtonnh.com>
Cc: [REDACTED]; Eric Weinrieb (eweinrieb@altus-eng.com) <eweinrieb@altus-eng.com>; Sabine, Darin <dsabine@newingtonfire.org>
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Thanks for your help, Martha

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Martha Roy

From: Kevin Kelley
Sent: Thursday, October 18, 2018 11:08 AM
To: Martha Roy
Subject: FW: Noxious odors coming from Sprague

I did....see his email

They had a bad blower on the odor control system. I talked with them a few weeks ago and it is fixed now. From Darin yesterday!

From: Sabine, Darin <dsabine@newingtonfire.org>
Sent: Wednesday, October 17, 2018 3:40 PM
To: Gerald Coogan <gcoogan@townofnewingtonnh.com>; Martha Roy <mroy@townofnewingtonnh.com>; Kevin Kelley <kkelley@townofnewingtonnh.com>
Cc: [REDACTED]; Eric Weinrieb (eweinrieb@altus-eng.com) <eweinrieb@altus-eng.com>
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Darin Sabine
Deputy Chief
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Sent: Wednesday, October 17, 2018 3:17 PM
To: Martha Roy <mroy@townofnewingtonnh.com>; Kevin Kelley <kkelley@townofnewingtonnh.com>; Sabine, Darin <dsabine@newingtonfire.org>
Cc: [REDACTED]; Eric Weinrieb (eweinrieb@altus-eng.com) <eweinrieb@altus-eng.com>
Subject: Re: Noxious odors coming from Sprague

Yes we can!

From: Martha Roy
Sent: Wednesday, October 17, 2018 2:54:58 PM
To: Kevin Kelley; Sabine, Darin; Gerald Coogan
Cc: [REDACTED]; Eric Weinrieb (eweinrieb@altus-eng.com)
Subject: RE: Noxious odors coming from Sprague

Given the fact that this went on for most of the summer with no correction to the problem I request that the Planning Board make it a condition of approval that no noxious fumes will be emitted from

anywhere on the facility so that if the problem occurs again we can bring him back in to Planning Board? Is that possible?

Is that possible? Our residents on both sides of Shattuck Way deserve some protection.

Thanks for your consideration, Martha

From: Kevin Kelley
Sent: Wednesday, October 17, 2018 12:26 PM
To: Sabine, Darin; Martha Roy; Gerald Coogan
Cc: [REDACTED]; Eric Weinrieb (eweinrieb@altus-eng.com)
Subject: RE: Noxious odors coming from Sprague

Thanks.....

From: Sabine, Darin <dsabine@newingtonfire.org>
Sent: Wednesday, October 17, 2018 12:24 PM
To: Martha Roy <mroy@townofnewingtonnh.com>; Kevin Kelley <kkelley@townofnewingtonnh.com>; Gerald Coogan <gcoogan@townofnewingtonnh.com>
Cc: [REDACTED]; Eric Weinrieb (eweinrieb@altus-eng.com) <eweinrieb@altus-eng.com>
Subject: RE: Noxious odors coming from Sprague

I have reached out to Ted Reed at Sprague about this issue and they have fixed it last I knew. We have not had any order in the last two weeks.

Darin Sabine
Deputy Chief
dsabine@newingtonfire.org

Newington Fire & Rescue
TX 603.436.9441
FX 603.430.2700

From: Martha Roy <mroy@townofnewingtonnh.com>
Sent: Wednesday, October 17, 2018 8:35 AM
To: Kevin Kelley <kkelley@townofnewingtonnh.com>; Gerald Coogan <gcoogan@townofnewingtonnh.com>
Cc: [REDACTED]; Eric Weinrieb (eweinrieb@altus-eng.com) <eweinrieb@altus-eng.com>; Sabine, Darin <dsabine@newingtonfire.org>
Subject: Noxious odors coming from Sprague

Hi all,

I have notified you about the noxious odors coming from Sprague, primarily at night (unless Darin knows differently) initially on 9-26-18. What is the current status?

Is there a way to address this issue as part of the current review process with Sprague?

Kevin and Jerry, Have you reached out to Sprague about this problem and what was their response?

Thanks for your help, Martha

Martha S. Roy
Town Administrator
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640 ext 210
mroy@townofnewingtonnh.com

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Sprague

Martha Roy

From: Sabine, Darin <dsabine@newingtonfire.org>
Sent: Monday, April 8, 2019 2:52 PM
To: Martha Roy
Cc: Reed, Ted
Subject: RE: Air Quality concern

Yes we have got a few complaints and calls for "gas leaks" I have called Ted Reed a few times and left today and hope to hear back.

Darin Sabine
Chief
dsabine@newingtonfire.org

Newington Fire & Rescue
TX 603.436.9441
FX 603.430.2007

From: Martha Roy <mroy@townofnewingtonnh.com>
Sent: Monday, April 8, 2019 2:00 PM
To: Sabine, Darin <dsabine@newingtonfire.org>; Kevin Kelley <kkelley@townofnewingtonnh.com>
Subject: Air Quality concern

When I went outside to fix the sign board the smell is overwhelming. Sprague? Sea 3?

Have either of you noticed this?

Thanks, Martha

Martha S. Roy
Town Administrator
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640 ext 210
mroy@townofnewingtonnh.com

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Martha Roy

From: Sabine, Darin <dsabine@newingtonfire.org>
Sent: Monday, May 20, 2019 9:02 AM
To: Martha Roy
Cc: Kevin Kelley
Subject: RE: Noxious fumes coming from Sprague

They are working on it. They have equipment on order to take care of the odor from when they are loading the tanks.

It is the air being pushed out of the tanks when they are getting filled.

Darin Sabine
Chief
dsabine@newingtonfire.org

Newington Fire & Rescue
TX 603.436.9441
FX 603.430.2007

-----Original Message-----

From: Martha Roy <mroy@townofnewingtonnh.com>
Sent: Monday, May 20, 2019 8:59 AM
To: Kevin Kelley <kkelley@townofnewingtonnh.com>
Cc: Sabine, Darin <dsabine@newingtonfire.org>
Subject: Noxious fumes coming from Sprague

Hi Kevin,

Do we have a state department that we can contact about these noxious fumes?

Sprague should potentially meet with Planning Board if these older tanks cannot control the fumes.

Thanks, Martha

From: Magoon, Linda [<mailto:Linda.Magoon@des.nh.gov>]
Sent: Friday, June 14, 2019 9:09 AM
To: Martha Roy
Subject: RE: Sprague fumes report Newington

Got it Martha, thanks for the info.

Best,

Linda M. Magoon | Sr. Compliance Assessment Specialist | Air Resources Div. | Compliance Bureau
NHDES, 29 Hazen Drive, Concord, NH 03301 |(603) 271-0907

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From: Martha Roy <mroy@townofnewingtonnh.com>
Sent: Wednesday, June 12, 2019 3:11 PM
To: Magoon, Linda <Linda.Magoon@des.nh.gov>
Subject: Sprague fumes report Newington

ATTENTION: This email has originated from outside of the organization. Do not open attachments or click on links unless you recognize the sender and know the content is safe.

Hi Linda,

Thank you for taking our calls about the fumes issue here in Newington.

The times of the fumes being reported/ documented so far are:

June 8, 2019 at 8:30 pm fumes are strong.

June 10 , 10 am ,

June 10 , 9:30 pm

If you need any other data to go with these times in the future just yell and I will get it.

Thanks again, Martha

Martha S. Roy

Shoffeck Way
residence e-mail

Martha Roy

From: Martha [REDACTED]
Sent: Thursday, July 11, 2019 5:13 PM
To: Martha Roy
Subject: Sprague emissions

Hi Martha just got home to the smell of the asphalt plant.
Wednesday July 10th 5:15pm

Martha Roy

From: Martha Roy
Sent: Thursday, July 25, 2019 3:41 PM
To: Magoon, Linda
Subject: RE: Sprague fumes report Newington

Hi Linda,

We are having residents from Dover and Newington call about the noxious fumes smelled in the vicinity of Sprague.

These are the times that have been called in, in the last 30 days or so:

June 21st 4:30 Dover Pt Road
July 10th 5:15pm Shattuck Way Intersection with Nimble Hill Rd, Newington
July 24th 2:45pm Dover Pt. Rd, Dover
July 25th 2:18pm Dover Pt. Rd, Dover

If you could urge Sprague to purchase the air filtration systems for their older asphalt tanks it would be appreciated.

Thanks again for your help, Martha

Martha S. Roy
Town Administrator
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640 ext 210
mroy@townofnewingtonnh.com

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From: Magoon, Linda [<mailto:Linda.Magoon@des.nh.gov>]
Sent: Friday, June 14, 2019 9:09 AM
To: Martha Roy
Subject: RE: Sprague fumes report Newington

Got it Martha, thanks for the info.

Best,

Linda M. Magoon | Sr. Compliance Assessment Specialist | Air Resources Div. | Compliance Bureau
NHDES, 29 Hazen Drive, Concord, NH 03301 | (603) 271-0907

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From: Martha Roy <mroy@townofnewingtonnh.com>

Sent: Wednesday, June 12, 2019 3:11 PM

To: Magoon, Linda <Linda.Magoon@des.nh.gov>

Subject: Sprague fumes report Newington

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Hi Linda,

Thank you for taking our calls about the fumes issue here in Newington.

The times of the fumes being reported/ documented so far are:

June 8, 2019 at 8:30 pm fumes are strong.

June 10 , 10 am ,

June 10 , 9:30 pm

If you need any other data to go with these times in the future just yell and I will get it.

Thanks again, Martha

Martha S. Roy
Town Administrator
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640 ext 210
mroy@townofnewingtonnh.com

Martha Roy

From: Martha Roy
Sent: Wednesday, August 7, 2019 6:47 AM
To: Martha Roy
Subject: Fwd: Sprague Odor

Begin forwarded message:

From: Eleanor Boy <eboy@townofnewingtonnh.com>
Date: August 5, 2019 at 2:29:52 PM AST
To: Martha Roy <mroy@townofnewingtonnh.com>
Subject: Sprague Odor

On Sunday August 4th at 3pm, I received a complaint about the Sprague odor.

The person lived on Dover Point.

Eleanor Boy
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640
Fax: 603-436-7188
eboy@townofnewingtonnh.com

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Martha Roy

From: Martha Roy
Sent: Friday, August 30, 2019 12:37 PM
To: jlittlefield@spragueenergy.com
Subject: FW: Newington Dover noxious fumes

Hi Jason,

Can you let me know if you are able to attend the meeting below?

Thanks, Martha

From: Martha Roy
Sent: Wednesday, August 21, 2019 1:26 PM
To: 'jlittlefield@spragueenergy.com'
Cc: 'j.maxfield@doover.nh.gov'; linda.magoon@des.nh.gov; ehoyt@newingtonfire.org; Kevin Kelley
Subject: Newington Dover noxious fumes

Jason,

Newington and Dover residents have been calling us on a regular basis to register complaints about the fumes being emitted from the Sprague plant here in Newington.

A representative of the company had told the Fire Chief in May that they had equipment on order to take care of the odor from when they are loading the tanks. He said that the fumes are being pushed out of the tanks when they are getting filled.

The Selectmen would like to meet with you, or a company representative, at their next meeting on Tuesday, September 3rd at 6pm in the Old Parsonage, 337 Nimble Hill Road to discuss a solution to this health concern.

Thank you for your consideration, Martha

Copy: EJ Hoyt, Asst. Fire Chief
Kevin Kelley, Building Inspector/Health Officer
James Maxfield, Dover Health Officer
Linda Magoon, Sr. Compliance Assessment Specialist, Air Resources Division, NHDES

Martha S. Roy
Town Administrator
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640 ext 210
mroy@townofnewingtonnh.com

Martha Roy

From: Martha Roy
Sent: Tuesday, September 17, 2019 12:35 PM
To: JANIS MARCONI
Subject: FW: SPRAGUE ODOR-The Board of Selectmen met with representatives from Sprague on 9/16/19 about the odors coming from their plant.

From: [REDACTED]
Sent: Tuesday, September 17, 2019 12:08 PM
To: Martha Roy; Eleanor Boy
Subject: Fwd: SPRAGUE ODOR-The Board of Selectmen met with representatives from Sprague on 9/16/19 about the odors coming from their plant.

Good afternoon,

I've smelled the odor of gas for a long time now. Maybe 4 months all during the summer. I figured when I didn't smell it, it was because the wind wasn't blowing in our direction. This gave me concern but one time, going down river on the boat, the temp outside was about 90 Deg. and we were in the river going past the tank and it spouted off and I believed the tank was going to explode! It was a violent expulsion of gas that made me throttle up to get the Hell out of there.

Seems this is a huge waste of gas that is going into the air and seems a method of routing the gas out of the take to another small tank underground that would allow for it's expansion but not allow it to escape into the air.

Anyway, I believe all of us in Newington have smelled this during this summer.

Respectfully,

[REDACTED]

----- Forwarded message -----

From: Newington NH <cmsmailer@civicplus.com>
Date: Tue, Sep 17, 2019 at 11:40 AM
Subject: SPRAGUE ODOR-The Board of Selectmen met with representatives from Sprague on 9/16/19 about the odors coming from their plant.
To: <websinfo@comcast.net>

SPRAGUE ODOR-The Board of Selectmen met with representatives from Sprague on 9/16/19 about the odors coming from their plant.

IT IS VERY IMPORTANT THAT NEWINGTON DOCUMENTS THIS ISSUE!! IF YOU SMELL AN ODOR PLEASE CALL (436-7640) OR EMAIL (eboy@townofnewingtonnh.com or mroy@townofnewingtonnh.com) the Town Hall so the Selectmen can compile data to present to Sprague.

Martha Roy

Subject: FW: Sprague odor

From: [REDACTED]
Sent: Saturday, October 12, 2019 8:42 PM
To: Eleanor Boy; Martha Roy
Subject: Sprague odor

Good Evening,

[REDACTED] At approximately 2015 hrs on October 12th, 2019 myself and one of the officers here, smelled an odor of gas at our food court entrance that's coming from the Sprague plant. Another officer advised she had starting smelling it a few hours ago.

Thank you for your time,

[REDACTED]

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mroy@townofnewingtonnh.com

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From: Martha Roy
Sent: Wednesday, October 16, 2019 12:03 PM
To: Littlefield, Jason
Cc: 'eboy@townofnewingtonnh.com'
Subject: RE: Odor

Hi Jason, Could you let us know if you have identified any of the odors that people are smelling and what they are? Thanks for your help, Martha

From: Eleanor Boy
Sent: Wednesday, October 16, 2019 10:17 AM
To: Littlefield, Jason
Cc: Martha Roy
Subject: Odor

I just heard from a resident that smelled an odor at the mall at 8:15pm on October 12th.

Eleanor Boy
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640

Fax: 603-436-7188
eboy@townofnewingtonnh.com

Martha Roy

Subject: FW: FW: Odor

From: Martha Roy
Sent: Wednesday, November 13, 2019 11:41 AM
To: 'Littlefield, Jason'
Cc: 'eboy@townofnewingtonnh.com'
Subject: RE: Odor

Jason,

The townspeople have not received any relief from the odors coming from Sprague.

The Selectmen are very concerned and would like to have another meeting with you and Tim Winters about this in the month of November. Please let us know your availability.

We have also not received a reply to the email below about the reasons/sources of the odors.

Thanks for your review and reply, Martha

Martha S. Roy

Town Administrator

Town of Newington

205 Nimble Hill Road

Newington, N.H. 03801

Phone: 603-436-7640 ext 210

Martha Roy

Subject: FW: Odor

From: Martha Roy
Sent: Wednesday, November 13, 2019 11:41 AM
To: 'Littlefield, Jason'
Cc: 'eboy@townofnewingtonnh.com'
Subject: RE: Odor

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Thanks for your review and reply, Martha

Martha S. Roy
Town Administrator
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640 ext 210
mroy@townofnewingtonnh.com

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From: Martha Roy
Sent: Wednesday, October 16, 2019 12:03 PM
To: Littlefield, Jason
Cc: 'eboy@townofnewingtonnh.com'
Subject: RE: Odor

Hi Jason, Could you let us know if you have identified any of the odors that people are smelling and what they are? Thanks for your help, Martha

Martha Roy

From: Martha Roy
Sent: Wednesday, November 13, 2019 11:41 AM
To: Littlefield, Jason
Cc: 'eboy@townofnewingtonnh.com'
Subject: RE: Odor

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Martha S. Roy
Town Administrator
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640 ext 210
mroy@townofnewingtonnh.com

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From: Martha Roy
Sent: Wednesday, October 16, 2019 12:03 PM
To: Littlefield, Jason
Cc: 'eboy@townofnewingtonnh.com'
Subject: RE: Odor

Hi Jason, Could you let us know if you have identified any of the odors that people are smelling and what they are? Thanks for your help, Martha

From: Eleanor Boy
Sent: Wednesday, October 16, 2019 10:17 AM
To: Littlefield, Jason

Cc: Martha Roy
Subject: Odor

I just heard from a resident that smelled an odor at the mall at 8:15pm on October 12th.

Eleanor Boy
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640
Fax: 603-436-7188
eboy@townofnewingtonnh.com

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Martha Roy

From: Eleanor Boy
Sent: Monday, March 2, 2020 3:23 PM
To: Littlefield, Jason
Cc: Martha Roy
Subject: Odor

Hi Jason,

A resident just called to let me know that they smelled a strong odor at the intersection of Nimble Hill Road and Shattuck Way today at 3:15pm.

Thanks,
Eleanor

Eleanor Boy
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640
eboy@townofnewingtonnh.com

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Martha Roy

From: Eleanor Boy
Sent: Thursday, March 12, 2020 12:04 PM
To: Littlefield, Jason
Cc: Martha Roy
Subject: Smell

A resident complained of a bad smell on Tuesday March 10th around 7:30-8.

Eleanor

Eleanor Boy
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640
eboy@townofnewingtonnh.com

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Martha Roy

From: Martha Roy
Sent: Monday, April 6, 2020 2:27 PM
To: Magoon, Linda
Subject: RE: Sprague fumes report Newington

Hi Linda,

The residents, businesses and passersby are at their wits end about the odors being emitted by Sprague. We are regularly receiving and reporting the fumes to Sprague to no avail.

Do you have the ability to resolve this situation?

Can you, or someone in your department, require the proper filters be installed on the tank causing the noxious fumes? If not, is there another department we should be contacting?

Thanks for your attention, Martha

From: Magoon, Linda [mailto:Linda.Magoon@des.nh.gov]
Sent: Friday, August 16, 2019 2:28 PM
To: Martha Roy
Subject: RE: Sprague fumes report Newington

Hi Martha,

Thanks for the prompt response. My contact at Sprague is Jason Littlefield, Environmental Manager. He stated that one of their engineers has been working with the town to rectify the problem. It's unfortunate that the problem is still occurring.

Jason's telephone number is (603) 430-7205 and (603) 817-1092. His email is jlittlefield@spragueenergy.com. I am off on Monday, but will follow-up with Jason in greater detail next week.

Regards,

Linda M. Magoon
Sr. Compliance Assessment Specialist
Air Resources Division
NH Department of Environmental Services
29 Hazen Drive
Concord, NH 03301

(603) 271-0907

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 twitter.com/NHDES

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From: Martha Roy <mroy@townofnewingtonnh.com>
Sent: Friday, August 16, 2019 2:15 PM
To: Magoon, Linda <Linda.Magoon@des.nh.gov>
Subject: RE: Sprague fumes report Newington

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Linda,

Thanks very much for writing. We really appreciate your help with this matter.

Unfortunately things haven't calmed down and the Selectmen have put this on their Monday evening agenda to talk about further.

Thanks very much for contacting Sprague. Do you have any further details I can share with the Selectmen?

Originally they told the Fire Chief in May that they had equipment on order to take care of the odor from when they are loading the tanks.
He said that the fumes are being pushed out of the tanks when they are getting filled.

Thanks again for any help, Martha

From: Magoon, Linda [<mailto:Linda.Magoon@des.nh.gov>]
Sent: Friday, August 16, 2019 2:00 PM
To: Martha Roy
Subject: RE: Sprague fumes report Newington

Hi Martha,
Thanks for the email. I am reaching out to see if you have received any recent odor reports. I spoke with Sprague today and they think it is an issue with their supply. They've also rectified a problem with their carbon filtration system so I'm hoping that this is working.

Have things calmed down a bit or are residents still detecting odor?

Thanks,

Linda M. Magoon
Sr. Compliance Assessment Specialist
Air Resources Division
NH Department of Environmental Services
29 Hazen Drive
Concord, NH 03301

(603) 271-0907

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Please consider the environment before printing this email.

From: Martha Roy <mroy@townofnewingtonnh.com>
Sent: Thursday, July 25, 2019 3:41 PM
To: Magoon, Linda <Linda.Magoon@des.nh.gov>
Subject: RE: Sprague fumes report Newington

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Linda,

We are having residents from Dover and Newington call about the noxious fumes smelled in the vicinity of Sprague.

These are the times that have been called in, in the last 30 days or so:

June 21st 4:30 Dover Pt Road
July 10th 5:15pm Shattuck Way Intersection with Nimble Hill Rd, Newington
July 24th 2:45pm Dover Pt. Rd, Dover
July 25th 2:18pm Dover Pt. Rd, Dover

If you could urge Sprague to purchase the air filtration systems for their older asphalt tanks it would be appreciated.

Thanks again for your help, Martha

Martha S. Roy
Town Administrator
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640 ext 210
mroy@townofnewingtonnh.com

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From: Magoon, Linda [<mailto:Linda.Magoon@des.nh.gov>]
Sent: Friday, June 14, 2019 9:09 AM

To: Martha Roy

Subject: RE: Sprague fumes report Newington

Got it Martha, thanks for the info.

Best,

Linda M. Magoon | Sr. Compliance Assessment Specialist | Air Resources Div. | Compliance Bureau
NHDES, 29 Hazen Drive, Concord, NH 03301 |(603) 271-0907

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From: Martha Roy <mroy@townofnewingtonnh.com>

Sent: Wednesday, June 12, 2019 3:11 PM

To: Magoon, Linda <Linda.Magoon@des.nh.gov>

Subject: Sprague fumes report Newington

ATTENTION: This email has originated from outside of the organization. Do not open attachments or click on links unless you recognize the sender and know the content is safe.

Hi Linda,

Thank you for taking our calls about the fumes issue here in Newington.

The times of the fumes being reported/documented so far are:

June 8, 2019 at 8:30 pm fumes are strong.

June 10, 10 am ,

June 10, 9:30 pm

If you need any other data to go with these times in the future just yell and I will get it.

Thanks again, Martha

Martha S. Roy
Town Administrator
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640 ext 210
mroy@townofnewingtonnh.com

Martha Roy

From: Martha Roy
Sent: Monday, April 6, 2020 4:09 PM
To: 'jlittlefield@spragueenergy.com'
Cc: 'eboy@townofnewingtonnh.com'
Subject: DANGEROUS ODORS COMING FROM SPRAGUE

Jason,

Over the last week we have noticed the air content to be extremely malodorous. It is almost similar to a burning oil smell.

Specifically, Thursday, April 2, Saturday, April 4, and Sunday, April 5 had this smell in the air. Numerous residents were witness to it.

We are disheartened to have to email you consistently with no action being taken.

We understood from the previous Fire Chief that you were in the process of acquiring a filter that would remove the noxious fumes from the air. This does not seem to have taken place.

Martha

Copy: Board of Selectmen
Eleanor Boy, Selectmen's Office Manager

Martha S. Roy
Town Administrator
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640 ext 210
mroy@townofnewingtonnh.com

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Martha Roy

From: Martha Roy
Sent: Wednesday, April 8, 2020 12:45 PM
To: 'jlittlefield@spragueenergy.com'
Cc: 'eboy@townofnewingtonnh.com'
Subject: FW: Sprague

Jason,

I received a resident complaint at 12:05 pm on Wednesday, April 8th about the odor being emitted from the Sprague plant.

Does the company have any intent on fixing this problem?

Thanks for your reply, Martha

Martha S. Roy
Town Administrator
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640 ext 210
mroy@townofnewingtonnh.com

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Martha Roy

From: [REDACTED]
Sent: Sunday, May 3, 2020 8:11 PM
To: selectmen@newington.nh.us
Subject: concerns about Sprague pollution

To Whom it May Concern:

I am writing to you as I live on [REDACTED] with my family and I am starting to become very concerned about the noxious odors that are coming from the Sprague plant.

I have been in touch with Martha Roy, and actually initiated communication with her last November, and she has asked me to keep a log of when I notice the terrible smell. I am writing because the odor is now starting to become a *daily* problem, and as a nurse and a nurse practitioner student I am very upset and concerned for the well being of my family. I would like to join forces and do whatever I can to stop this problem as soon as possible. PLEASE contact me and let me know how we can come together and put an end to this problem.

Kind Regards,
[REDACTED]

Martha Roy

From: Martha Roy
Sent: Friday, July 10, 2020 11:02 AM
To: 'jlittlefield@spragueenergy.com'; 'Magoon, Linda'; Deegan, Dave (Deegan.Dave@epa.gov)
Subject: Smell from the ships off loading Sprague Noxious fumes

Jason,

I have had two complaints already today about noxious fumes coming from Sprague.

Excerpt from the first complaint follows:

██████████ wrote: " Last night at about 11:30 and this morning at 6:30 we were woken from a dead sleep by the noxious fumes of the ships offloading. As of 6:45 I have a raging headache from the smell. There is no reason for the smell to be as strong as it is as. I am concerned that maybe there is a leak that needs tending to."

Excerpt from second complaint:

"The noxious fumes coming from Sprague this morning are the worse I've ever noticed. Can anything be dome? I don't even want to take a walk this morning."

This was given to us at 6:42am from Fox Point Road just down the street from first complaint. Weather conditions were overcast/cloudy.

This continues (for the past two years) to be a serious problem for our residents and surrounding town's/city's residents.

Thank you for your investigation, Martha

Martha S. Roy
Town Administrator
Town of Newington
205 Nimble Hill Road
Newington, N.H. 03801
Phone: 603-436-7640 ext 210
mroy@townofnewingtonnh.com

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Martha Roy

From: Martha Roy
Sent: Friday, July 10, 2020 11:59 AM
To: 'jlittlefield@spragueenergy.com'; Magoon, Linda; Deegan, Dave (Deegan.Dave@epa.gov)
Cc: 'eboy@townofnewingtonnh.com'; Sue Philbrick
Subject: Sprague Noxious fumes Coleman Drive report

Hi Jason, Here is another complaint, Coleman Drive Newington. Martha

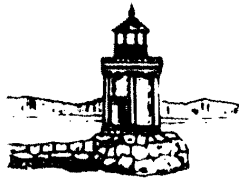
Sunny conditions

From: John Klanchesser [mailto: [REDACTED]]
Sent: Friday, July 10, 2020 11:21 AM
To: Martha Roy
Subject:

Hi Martha,

The asphalt smell is particularly strong this morning on coleman dr. it was around 830 845 am

thank you
john klanchesser



CITY OF SOUTH PORTLAND

P. O. Box 9422
25 Cottage Road
South Portland, ME 04116-9422

Scott T. Morelli
City Manager

Joshua Reny
Assistant City Manager

EXECUTIVE
DEPARTMENT

Via Electronic Mail Only (pubcomment-ees.enrd@usdoj.gov)

July 24, 2020

Assistant Attorney General
U.S. DOJ—ENRD
P.O. Box 7611
Washington, DC 20044-7611

RE: United States, et al. v. Sprague Resources LP, et al., D.J. Ref. No. 90-5-2-1-11436

To Whom It May Concern,

On behalf of Mayor Katherine Lewis, the South Portland City Council, and the City of South Portland, I hereby submit comments related to the proposed consent decree between Sprague and the United States, as referenced above. These comments were formulated by the City's Clean Air Advisory Committee (CAAC) and approved unanimously by the City Council at their meeting on July 21, 2020. Our community is home to one of Sprague's facilities where some of the alleged violations occurred.

Concern that the Consent Decree does not require Sprague to obtain a license modification or amendment from the Maine Department of Environmental Protection (MEDEP)

- The CAAC believes that all of the requirements imposed on Sprague under Appendix G of the Consent Decree should be included in the air emissions license administered by MEDEP through a license amendment process in order to allow MEDEP to exert enforcement authority.
- The EPA's complaint against Sprague alleges numerous violations of Maine law, including failures to seek MEDEP permission to make modifications to the South Portland facility. However, the Consent Decree does not mention a requirement for Sprague to obtain an air emissions license modification or amendment from MEDEP. If EPA agrees that these modifications do in fact require MEDEP approval, then the CAAC believes the Consent Decree should include a requirement that license be amended, since the company is making changes to its systems that are claimed to have an effect on the emissions of VOC's and is resolving allegations of violating Maine law.
- The Consent Decree imposes (i) throughput limits on the volume of asphalt and no. 6 oil, and (ii) limitations on the uses of tanks at the Sprague Facility. The consent decree in the recent Global case included specific language requiring Global to "apply for an amended State license for the Facility that incorporates conditions at least as stringent as those set forth [in the Global consent decree relating to product storage, tank heating conditions and throughput limitations]" within 60 days. While paragraph 20 of the Consent Decree does require Sprague to obtain permits as may be required, the CAAC believes that Consent Decree in the Sprague case should include the more specific language used in the consent decree entered in the Global case.
- In addition, the CAAC believes strongly that there are reasons to treat the changes outlined in the Consent Decree as requiring a permit modification, rather than a minor revision. For instance, the

Telephone (207) 767-7606 • Fax (207) 767-7629

www.southportland.org

SPC00050

Carbon Systems described in the Consent Decree could fairly be described as emissions control technology. Furthermore, the proposed limits and changes to the operation of the facility are far from “administrative.” Finally, the uncertainties surrounding Sprague’s actual emissions (see below) suggest that the throughput limitations could themselves constitute an operational change resulting in an increase in emissions and thus constituting a full New Source Review process.

Concern about the uncertainty and scale of Sprague’s actual emissions

- The CAAC has concerns about the estimated emissions of Sprague’s tank farm. The CAAC has reviewed and found compelling two calculations that call into question the accuracy of estimated emissions from tank farms in South Portland, in particular emissions calculations that use estimated vapor pressure for heated asphalt.
- There is enough uncertainty to suggest true emissions data may show that Sprague may be emitting significantly above its calculated levels. The public is concerned about the health impacts associated with elevated tank farm emissions.
- In the face of this uncertainty about true emissions, the CAAC believes the responsible path for this Consent Decree is to err on the side of public health and safety. The below comments offer suggestions for addressing this uncertainty and the risks it creates.

Make actual emissions the basis of Sprague’s throughput limits

- The throughput limits states in the Consent Decree don’t constitute an actual limit on Sprague’s emissions as they are not connected to true emissions. In fact, they may allow the facility to emit substantially more than it does today.
- The CAAC strongly recommends that the Consent Decree require continuous, actual emissions monitoring, especially of heated tanks, and to set throughput limits based on this monitoring. Continuous emissions monitoring would eliminate the uncertainty that today surrounds Sprague’s emissions and provide credible data to understand true impact. The CAAC recommends making these data available to the public.
 - If continuous monitoring is not deemed to be possible, then the CAAC would urge requiring a monitoring regime that measures actual emissions on a frequent basis when transfer operations are occurring and when the tanks are in use.
 - If such a monitoring regime is not possible, or not viable as the basis for setting limits, then the CAAC would urge the use of true vapor pressure when setting limits based on calculated emissions. The CAAC has heard concerns about the difficulties in measuring true vapor pressure for asphalt, and the potential variability in testing results. However, the CAAC still believes true vapor pressure provides a more accurate window into actual asphalt emissions than a calculated number, such as the estimated value used today by Sprague. The CAAC suggests a series of vapor pressure tests could be conducted to find an average (or range) of measured vapor pressures that could be used in calculations; this may address concerns around true vapor pressure testing.
- The CAAC also recommends a requirement that Sprague start monitoring its emissions immediately, in order to have baseline data and a comparison to show the effectiveness of the Carbon Systems and other potential measures in reducing emissions.
- In summary, the CAAC sees continuous monitoring of actual emissions as the most protective and responsible option, and the subsequent alternatives as second- and third-best options that provide decreasing amounts of certainty and protection. The status quo of basing permit limits on calculations that use artificially low asphalt vapor pressure does not provide sufficient certainty or protection. The CAAC urges the incorporation of these requirements in the Consent Decree.

Allow South Portland to review the Design Plan and the Operation & Maintenance plan

- The CAAC believes the City of South Portland should be able to review and comment on the design plan and operation and maintenance plan that Sprague is required to adopt for the Carbon Systems described in the Consent Decree.
- The CAAC recommends making more explicit that the Carbon Systems must be operational at all times.

If tanks are converted in South Portland, require offsets in South Portland

- The Consent Decree requires Sprague to offset emissions if it converts a tank in South Portland. However, it allows Sprague to generate that offset in any facility in New England.
- A regional offset would mean higher pollution and health risks in South Portland. The CAAC views the opportunity for a regional offset as unacceptable. The emissions of concern are a local pollutant; any net adjustment should occur locally as well.

Why no penalties in Maine?

- The CAAC is surprised that the consent decree includes no penalties in the state of Maine. The underlying complaint alleges that Sprague violated Maine law. The CAAC struggles to understand why the Consent Decree does not include compensation to the state of Maine or the City of South Portland.
- Regardless of the named parties to the suit, which do not include the State of Maine or the City of South Portland, the Consent Decree can, and should, include some provision for payment to the City, the State, or both, to reimburse the significant expense incurred in reacting to these violations.

Thank you for your serious consideration of this matter, which is of utmost importance to our citizens.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Morelli', is written over the printed name.

Scott Morelli
City Manager

cc: City Council (via email only)
Clean Air Advisory Committee (via email only)
David Plumb, CAAC Facilitator (via email only)
Adrian Kendall, Special Legal Counsel (via email only)

From: [REDACTED]
To: [ENRD, PUBCOMMENT-EES \(ENRD\)](#)
Date: Wednesday, July 29, 2020 1:07:14 PM

As a resident of South Portland, who lives only 2 blocks from Global and Sprague tank farms, I am writing to petition that you mandate that BACT, Best Av

From: [REDACTED]
To: [ENRD, PUBCOMMENT-EES \(ENRD\)](#)
Date: Wednesday, July 29, 2020 1:28:09 PM

As a resident of South Portland, who lives only 2 blocks from Global and Sprague tank farms, I am writing to petition that you mandate that BACT, Best Available Control Technology be installed in these tank farms to monitor and control emissions. Why shouldn't a company that has repeatedly been found to be in violation of state and federal law be required to invest in technology that gives the communities from which they profit the assurances that they will do better?

South Portland residents have struggled too long with exposure from these tanks and the effects on our health, our environment and our quality of life. We need to be assured of transparency and accuracy regarding the toxic fumes being emitted.

Thank you,
Sincerely,
Lucy Breslin
South Portland, ME [REDACTED]

From: [Catherine Curry](#)
To: [ENRD, PUBCOMMENT-EES \(ENRD\)](#)
Subject: United States, et al. v. Sprague Resources LP, et al., D.J. Ref. No. 90-5-2- 1-11436
Date: Saturday, August 1, 2020 7:52:06 AM

August 1, 2020

Assistant Attorney General U.S. DOJ—ENRD

P.O. Box 7611

Washington, DC 20044-7611

RE: United States, et al. v. Sprague Resources LP, et al., D.J. Ref. No. 90-5-2-1-11436 To Whom It May Concern,

As a parent of young children, pediatrician and resident of South Portland, ME, I am asking you to do the right thing: please require Sprague Resources (and other similar companies) to install best available control technology (BACT). We need to know actual emissions and we need to be able to reduce exposure for our citizens as much as possible. Thriving businesses are important to our local community and our country at large, but not at the expense of the health of its people.

I am also supportive of the comments made by our **City's Clean Air Advisory Committee (CAAC)**.

Thank you,

Catherine Curry, MD

From: [Protect South Portland](#)
To: [ENRD, PUBCOMMENT-EES \(ENRD\)](#)
Subject: RE: United States, et al. v. Sprague Resources LP, et al., D.J. Ref. No. 90-5-2-1-11436
Date: Sunday, August 2, 2020 6:14:23 PM

August 3, 2020

To: Assistant Attorney General U.S. DOJ—ENRD

RE: United States, et al. v. Sprague Resources LP, et al., D.J. Ref. No. 90-5-2-1-11436

Protect South Portland's Comments on the Sprague Consent Decree

Protect South Portland strongly supports the comments submitted by the city of South Portland, produced by the city's Clean Air Advisory Committee (See Below).

We are grateful to our city leaders for assembling such a knowledgeable, dedicated group of experts to evaluate this issue. The comments the CAAC produced on this case are thorough and thoughtful, and they highlight our most urgent concern, which is for stronger transparency and accountability from tank farm operators like Sprague and the regulators whose duty it is to protect the environment and public health. We would like to add the following points:

We believe this is a public health and environmental issue. Multiple toxic chemicals are emitted in huge amounts, chemicals that are known to cause serious health problems, including respiratory, neurological issues, and cancer. No one—not the regulators, and certainly not the residents most affected—knows how much VOCs are coming from Sprague's heated tanks. How, then, can the regulators who are a party to this case feel any confidence that this consent decree adequately prevents future violations and serves the central goal of regulating VOC/ozone emissions?

Protect South Portland is a grassroots 501C3 nonprofit whose mission is to promote actions and practices that serve to protect the environment and health and welfare of the City of South Portland. In the past year and a half, a major focus of the organization has been education and advocacy around emissions from the heated tanks run by Global and Sprague. South Portland residents have struggled too long with exposure from these tanks and the effects on our health, our environment and our quality of life.

We believe the South Portland facility should be required to install all best available control technology (BACT) and to conduct all required analysis and monitoring required. Technology exists right now to measure actual emissions and to control emissions from Sprague's South Portland facility, so that we can be sure that the company starts operating within the law. Why shouldn't a company that has repeatedly been found to be in violation of state and federal law be required to invest in technology that gives the communities from which they profit the assurances that they will do better? Following the law should be part of the cost of doing business.

Thank you for your full consideration,

Rachel Burger, President, Protect South Portland
Submitted on Behalf of Protect South Portland
protectsouthportland@gmail.com

[REDACTED]

.....

City of South Portland Comments on Sprague Consent Decree:

[REDACTED]

Via Electronic Mail Only (pubcomment-ees.enrd@usdoj.gov)

July 24, 2020 (Assistant Attorney General U.S. DOJ—ENRD)

P.O. Box 7611

Washington, DC 20044-7611

RE: United States, et al. v. Sprague Resources LP, et al., D.J. Ref. No. 90-5-2-1-11436

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Concern that the Consent Decree does not require Sprague to obtain a license modification or amendment from the Maine Department of Environmental Protection (MEDEP)

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- The EPA's complaint against Sprague alleges numerous violations of Maine law, including failures to seek MEDEP permission to make modifications to the South Portland facility. However, the Consent Decree does not mention a requirement for Sprague to obtain an air emissions license modification or amendment from MEDEP. If EPA agrees that these modifications do in fact require MEDEP approval, then the CAAC believes the Consent Decree should include a requirement that license be amended, since the company is making changes to its systems that are claimed to have an effect on the emissions of VOC's and is resolving allegations of violating Maine law.
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Thank you for your serious consideration of this matter, which is of utmost importance to our citizens.

- Sincerely,
Scott Morelli City Manager

cc: City Council (via email only)

Clean Air Advisory Committee (via email only)

David Plumb, CAAC Facilitator (via email only) Adrian Kendall, Special Legal Counsel (via email only)

From: [Fred Brancato](#)
To: [ENRD, PUBCOMMENT-EES \(ENRD\)](#)
Subject: United States et.al.v.SpragueResourcesLP et.al., D.J. No .90-5-2-1-11436.
Date: Sunday, August 2, 2020 11:30:58 PM

August 1, 2020

Assistant Attorney General
U.S.DOJ-ENRD
PO Box 7611
Washington, DC 20044-7611

To Whom It May Concern:

Elders for Future Generations is a large network of elders concerned with issues that will affect those who will come after us. We are writing on behalf of the present and future citizens of South Portland, Maine. We fully support the statement submitted by the City Council of South Portland in the case of the United States et.al.v.Sprague Resources LP.

In addition, we want to stress that the proposed odor control system be replaced with a state of the art emission control system that will remove the maximum possible amount of hazardous air pollutants. The consent decree fails to address the health affects of the unacceptable levels of these pollutants. Recent measurements by MEDEP have shown that the levels of benzene and naphthalene in neighborhoods near the Sprague facility exceed long term health guidelines established by MECDC, causing serious harm to the children and families living in the area.

Since we already have evidence of unacceptable levels of benzene and naphthalene, it should be required that Sprague install a constant VOC monitoring system that will provide data to the City of South Portland. For years Sprague willfully violated the Federal Clean Air Act and State of Maine air quality laws. It is time that the residents who suffered from Sprague's illegal pollution be assured that the air will be fit to breathe. A constant monitoring system will do that.

Finally, the fine imposed on Sprague for years of illegal activity is pitifully small compared to the actual amount they could have been fined. The cost of an emission control and constant VOC monitoring system would be a small fraction of the fines they should have paid. It is time for the USDOJ to do the right thing for the citizens of South Portland.

Sincerely,
Fred Brancato, on behalf of Elders for Future Generations



From: [Sascha Braunig](#)
To: [ENRD, PUBCOMMENT-EES \(ENRD\)](#)
Subject: United States, et al. v. Sprague Resources LP, et al., D.J. Ref. No. 90-5-2- 1-11436.
Date: Monday, August 3, 2020 11:59:44 AM

To the Assistant Attorney General, Environment and Natural Resources Division:

I live in South Portland, Maine, and I'd like to make a comment regarding Sprague's violations of their emissions permit. I also support the comments submitted by the City of South Portland's Clean Air Committee.

The petroleum odors that are sometimes emanating from the Sprague tank are overwhelming. These odors come from toxic chemicals that have known respiratory and neurological health effects, and Sprague has been found by the EPA to be exceeding their limits. This means that Sprague is negatively affecting the public health and environment in the heart of a residential neighborhood during the time of a global pandemic that affects respiration.

I've personally experienced the odors/emissions as extremely strong in certain densely residential areas of South Portland and Portland's West End, to the point that you have to immediately leave the area. Some residents don't have this option, as they live in the area directly around the tanks. Sprague must take responsibility for this unacceptable side-effect of their business by agreeing to put humane measuring and remediation technology in place. This technology exists and Sprague can afford to install it. The DOJ and DEP must hold Sprague and other companies accountable by compelling them to use best available technology NOW, in accordance with the law, not sometime in the future.

There is no just reason why South Portland residents should be subjected to overpowering fumes with known health consequences in their yards, schools, daycares, parks, and homes. Please imagine this was your own neighborhood.

Sincerely,
Sascha Braunig

[REDACTED]
South Portland, ME [REDACTED]

From: [Louise Tate](#)
To: [ENRD.PUBCOMMENT-EES \(ENRD\)](#)
Subject: United States, et al. v. Sprague Resources LP, et al.,D.J. Ref. No. 90-5-2-1-11436
Date: Tuesday, August 4, 2020 2:21:09 PM

Assistant Attorney General,

I have lived in South Portland for over twenty years. I was a small part of the citizen action that stopped the reversal of ancient pipes to send dirty tar sands to South Portland. It was very satisfying. We were protecting our air. For a person with chronic lung disease, this is very important.

Little did we know that our air was actually then and STILL IS being horribly polluted by multiple Corporations and/or Limited Partnerships, including, but not limited to, Sprague Resources and Global Partners. This email is specifically related to Sprague Resources. I attended CAAC and City Council meetings. I support their recommendations. South Portland citizens deserve on-going protection. And I agree with Protect South Portland.

To be honest, I think these multiple Corporations/LPs owe some citizens some sort of reparations for illnesses, and ruined property value as the truth became known. And the truth is that Corporations/LPs in general simply do not care about people. They only care about profits. It is time that Corporations/LPs be held accountable for the damage they do, especially when they repeatedly violate emission limits. Sprague Resources (and other Corporations/LPs) have NOT been responsible neighbors. And they continue to avoid responsibility.

I appreciate that my city government has stood with and for the citizens of South Portland. Now I hope my federal government will stand for public health and not for Corporate/LP greed. My health is at risk, as is that of many, many South Portland citizens.

Sincerely,
Louise Tate


South Portland, ME 

From: [revdrey](#)
To: [ENRD.PUBCOMMENT-EES \(ENRD\)](#)
Cc: [REDACTED]
Subject: United States, et al. v. Sprague Resources LP, et al., D.J. Ref. # 90-5-2-1-11436
Date: Wednesday, August 5, 2020 1:50:17 PM

Attention: Assistant Attorney General, Environment and Natural Resources Division

Re: Sprague Consent Decree

United States, et.al, v. Sprague Resources LP, et.al., D.J. Ref. # 90-5-2-1-114

To whom it may concern:

I am a 72 year old woman and have lived in South Portland, Maine, since 1987, and in my current home since 1992. Air quality has always been an concern. One of my homes adjoined petroleum tanks. The air there often smelled of oil. I developed asthma and immune disorders over the past 20 years.

I write as a concerned citizen about Sprague Resources, and Global Partners, being in violation of their emissions permits, as determined by the Environmental Protection Agency, related to their heated tanks and the ensuing air pollution of toxic chemicals in the surrounding neighborhoods. This is both an environmental and a public health issue. And it is tragic, onerous, and needless.

I stand in support of the official comments submitted to you by the City of South Portland's Clean Air Advisory Committee. Our environment is fragile, Casco Bay is experiencing rising temperatures faster than most ocean bodies, and many of our citizens, especially elders and children have developed and are living with asthma.

We urgently need increased transparency and accountability from the tank farm operators in South Portland, including Sprague, as well as from the regulators responsible for protecting our environment and the public's health. The time is now.

I strongly that you require Global and Sprague:

1. To install the highest quality, best available control technology.
2. To conduct all required testing, analysis, and monitoring systems required of them.

It is long past time to act. Peoples' lives, longevity, and health depend upon it.

Respectfully submitted,
The Reverend Priscilla Dreyman

[REDACTED]
South Portland ME [REDACTED]

Sent from my U.S. Cellular® Smartphone

From: [Julie Poitras Santos](#)
To: [ENRD, PUBCOMMENT-EES \(ENRD\)](#)
Subject: United States, et al. v. Sprague Resources LP, et al., D.J. Ref. No. 90-5-2- 1-11436.
Date: Wednesday, August 5, 2020 3:13:02 PM

To the Assistant Attorney General, Environment and Natural Resources Division:

I live in Portland, Maine, and I'm emailing to make a comment regarding Sprague's violations of their emissions permit. I also support the comments submitted by the City of South Portland's Clean Air Committee.

The petroleum odors that are sometimes emanating from the Sprague tank are overwhelming - we can at times smell the across the water on the Portland peninsula. These odors come from toxic chemicals that have known respiratory and neurological health effects, and Sprague has been found by the EPA to be exceeding their limits. This means that Sprague is negatively affecting the public health and environment in the heart of a residential neighborhood during the time of a global pandemic that affects respiration.

I've personally experienced the odors/emissions as extremely strong in certain densely residential areas of South Portland and Portland's West End, to the point that you have to immediately leave the area. Some residents don't have this option, as they live in the area directly around the tanks. Sprague must take responsibility for this unacceptable side-effect of their business by agreeing to put humane measuring and remediation technology in place. This technology exists and Sprague can afford to install it. The DOJ and DEP must hold Sprague and other companies accountable by compelling them to use the best available technology NOW, in accordance with the law, not sometime in the future.

There is no just reason why South Portland and Portland residents should be subjected to overpowering fumes with known health consequences in their yards, schools, daycares, parks, and homes. Please imagine this was your own neighborhood.

Sincerely,

Julie Poitras Santos

Portland, ME

Julie Poitras Santos

Portland, Maine

[REDACTED]

From: [trumanharper](#)
To: [ENRD, PUBCOMMENT-EES \(ENRD\)](#)
Subject: Sprague Resources + South Portland Air Quality comment
Date: Wednesday, August 5, 2020 3:37:07 PM

TO:
Assistant Attorney General
Environment and Natural Resources Division

RE: United States, et al. v. Sprague Resources LP, et al., D.J. Ref. No. 90-5-2- 1-11436.

I am writing in support of South Portland's comments on the Sprague Consent Decree. As a resident of the neighborhood in which Sprague operates, I am dismayed to learn that they are riding roughshod over our local environment without being held accountable to safe practices in the handling of toxic materials.

This is a public health issue and I hope you will take our concerns seriously and ensure that Sprague adheres to best practices in mitigating the toxic environmental effects of how they do business.

Thank you.

Truman Harper

[REDACTED]

South Portland, ME [REDACTED]

Sent with [ProtonMail](#) Secure Email.

From: [Roberta Zuckerman](#)
To: [ENRD, PUBCOMMENT-EES \(ENRD\)](#)
Subject: RE: United States, et al. v. Sprague Resources LP, et al., D.J. Ref. No. 90-5-2-1-11436
Date: Wednesday, August 5, 2020 5:17:51 PM

August 5, 2020

To: Assistant Attorney General, U.S.Doj-ENRD

RE: United States, et al. v. Sprague Resources LP, et al., D.J. Ref. No. 90-5-2-1-11436

I have been a resident of South Portland, Maine for the past 13 years and lived in Portland, Maine for the preceding 16 years. I am very concerned about the impact of toxic chemical emissions from the oil tanks in

South Portland on the environment and on the health of our community. I am writing in support of the comments that were submitted by the City of South Portland on the Sprague consent decree.

The oil tank companies in South Portland are permitted to collectively emit over 600 tons per year of VOCs into the air we breathe in South Portland. We know that many of the chemicals are known to have adverse health impacts including respiratory problems, neurological problems, problems for developing fetuses and cancer.

One of the chemicals being emitted, Benzene is viewed as having no safe level of exposure.

What are the cumulative environmental and health impacts of exposure to multiple toxic chemicals that the tank farms emit? The densely populated small city of South Portland with 25,000 residents has multiple

tank farm companies, each permitted to emit many tons of toxic

chemicals every year over the lifetime of its residents.

At City Council workshops on the issue, community members living near the tanks reported experiencing

symptoms that for many, started after they moved to live near the tanks. These included headaches, nausea,

dizziness, sore throats, burning eyes and coughing. South Portland has a densely populated residential area,

schools, daycares and a community center very close to the tank farms. Our high school's playing fields are next door to a tank farm. My understanding is that we have about 1500 K-12 children attending schools within 1/2 mile from the tank farms and that doesn't count the day care centers or the community college. One of the schools specializes in children with learning disabilities who are then being exposed to toxic emissions while at school. Maine has a large elderly population, and now there seems to be a link between air pollution and increased vulnerability to Covid 19.

<https://www.theguardian.com/world/2020/jul/13/compelling-evidence-air-pollution-worsens-coronavirus-study>

People living near the tanks have talked about not being able to have their windows open in the summer,

not being able to sit on their decks or barbeque in their backyards because of the emissions. Others have found that they cannot use their bicycle to get to work and have to close the windows of their cars when driving.

I have been reading a lot about the issue for the past 1 1/2 yrs. after the Global Consent Decree was first made public, including

many papers published by the EPA. It is clear that technology exists that can measure/monitor actual emissions and to control emissions - including Continuous Emissions Monitoring, fence line monitoring and vapor recovery units. It seems to me that all tank farms should be required to employ these technologies (Best Available Control Technology) as part of doing business.

Their profits cannot be allowed to be at the expense of the health of the communities where they do business.

We, the people, rely on the government and regulatory agencies to insure that businesses function in a responsible way with transparency and accountability.

Large corporations have the financial resources to pay for many lawyers that will find ways to utilize "denial

and delay" to their benefit. I am not against business. I do hope that the EPA, Maine DEP and USDOJ can

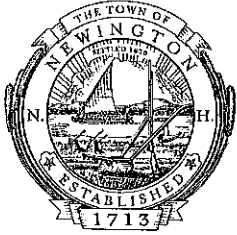
require them to do their business in a way that does not make people sick.

Thank you for your consideration,

Roberta Zuckerman

[REDACTED]

South Portland, ME [REDACTED]



OFFICE OF
SELECTMEN

The Town Of Newington New Hampshire

Established 1713

Via Email Only- pubcomment-ees.enrd@usdoj.gov

Assistant Attorney General
U.S. DOJ—ENRD
P.O. Box 7611
Washington, DC 20044-7611.

August 5, 2020

Re: United States, et al. v. Sprague Resources LP, et al., D.J. Ref. No. 90-5-2-1-11436.

Dear Madam/Sir:

We are writing in regards to the Proposed Consent Decree Under the Clean Air Act with the Sprague facility, and make the following recommendations as public comments. In conjunction, we have enclosed a proposed amended version of Appendix H, which does not incorporate the below, as we are advancing multiple options. When/If you choose to adopt any of the below protocols, we would anticipate that being explicitly included in the relevant Appendix, and request that they also be conditions of the relevant permitting. Additionally, we have included an opinion issued by Mr. Quan Tat of Vanasse Hangen Brustlin, Inc., (VHB) which supports our proposed Appendix H, and suggests that measures taken to address the emissions at issue in this case, may also significantly reduce our odor issues.

The throughput limits stated in the Consent Decree do not constitute an actual limit on Sprague's emissions, as they are not connected to true emissions. Due to concerns surrounding the actual emissions, the Town of Newington, Board of Selectmen (hereinafter "BOS") recommend that the Consent Decree require continuous and actual emissions monitoring, especially of heated tanks, and to set throughput limits based on the outcome of the monitoring. The BOS believes this to be the most protective and responsible option for measuring emissions.

If continuous monitoring is deemed to be impossible then, as a secondary choice, the BOS would recommend a requirement that a monitoring regimen be implemented, which measures actual emissions on a frequent basis when transfer operations are occurring and when tanks are in use.

If a monitoring regimen is also deemed impossible, or at least not viable as the basis for setting limits, then the BOS would recommend, as an option of last resort, the use of true vapor pressure when setting limits based on calculated emissions, which could provide a more accurate window into actual asphalt emissions than a calculated number, such as the estimated value used

by Sprague today. A series of vapor pressure tests could be conducted to find an average (or range) of measured vapor pressure that could be used in calculations, and this may address concerns around true vapor pressure testing.

Furthermore, the BOS proposes a requirement that Sprague start monitoring its emissions immediately, in order to have baseline data and a comparison to demonstrate the effectiveness of the Carbon Systems and other potential measures in reducing emissions. The BOS further advocates for the incorporation of one of the above-outlined options in the Consent Decree, and notes that the data produced by the chosen option should be made available to the public.

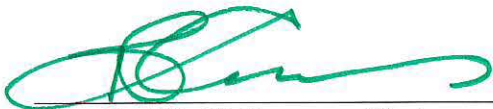
In addition, the BOS believes the Town of Newington should be permitted to review and comment on the design plan, and operation and maintenance plan, which Sprague is required to adopt for the Carbon Systems described in the Consent Decree. The BOS also suggests that the language in the Consent Decree make it more explicit that the Carbon Systems must be operational at all times.

Lastly, the Consent Decree requires Sprague to offset emissions if it converts a tank in Newington but allows Sprague to generate that offset in any facility in New England. A regional offset would mean higher pollution and health risks in Newington and, as such, the BOS views the opportunity for a regional offset as unacceptable. The emissions of concern are a local pollutant; any net adjustment should occur locally.

Thank you for your time and consideration.

Sincerely,

Board of Selectmen



Timothy "Ted" Connors, Chair



Kenneth Latchaw, Selectman



Michael Marconi, Selectman

Enc. Proposed Appendix H

Quan Tat, PE- Letter dated August 3, 2020

Appendix H: River Road Facility Compliance Requirements (PROPOSED)

1. Commencing on the Effective Date of this Consent Decree, at its River Road facility in Newington, New Hampshire ("River Road Facility"), Defendants shall operate no more than five Heated Tanks (as defined in Paragraph 8 of the Consent Decree) containing asphalt or No. 6 residual fuel oil ("#6 oil"), of which no more than two Heated Tanks shall contain #6 oil.
 - a. To the extent these two tanks are not already permitted, Defendants may convert these two tanks Heated Tanks from asphalt storage to #6 oil only if both of the following conditions have been met:
 - i. Defendants must provide 90 days advanced notice to EPA NH DES of its intent to convert one Heated Tank to #6 oil operations at the River Road Facility, and obtain advanced written approval for such conversion from EPA and NH DES, and
 - ii. Defendants must offset seven (7) tons per year of VOC emissions through VOC emissions reductions at its New England facilities.
2. Commencing on the Effective Date of this Consent Decree, Defendants shall be restricted to the following facility-wide throughput limits at its River Road Facility:
 - a. 135,000,000 gallons of asphalt, on a rolling 12-month basis
 - b. 50,000,000 gallons of #6 oil, on a rolling 12-month basis
3. Within 60 days after the Effective Date of this Consent Decree, Defendants shall submit to the New Hampshire Department of Environmental Services ("NH DES") an application for a permit to operate the River Road Facility that incorporates the terms referenced in paragraphs 1 and 2 above. All conditions contained in the Consent Decree, inclusive of this amendment, shall become a part of their permit requirements.
4. Within 60 days after the Effective Date of this Consent Decree, **The EPA shall conduct an inspection of the River Road facility and its practices to determine if the following is required:**
 - a. **Whether Sprague** will be required to submit to EPA for approval, under Section VI (Compliance Requirements) of the Consent Decree, a design plan ("Design Plan") for the installation and operation of vents, demisters, and carbon beds (collectively, "Carbon Systems") for all Heated Tanks at the River Road Facility. Said submission shall be made within 60 days of the EPA's determination.
 - b. Whether Sprague will be required to install the Carbon Systems for all Heated Tanks at the River Road Facility, in accordance with the EPA-approved Design Plan, and thereafter operate the Carbon Systems. Said installation shall occur within 6 months of the approved Design Plan.
5. Within 120 days of the execution of the Consent Decree, Sprague shall submit to EPA for review and approval, under Section VI (Compliance Requirements) of the Consent

Decree, an operation and maintenance plan (“O&M Plan”) for the Carbon Systems. This O&M Plan shall include, at minimum:

- a.** Provisions for operation so as to reduce local impacts of air emissions during periods when products are stored at any of the facility’s Heated Tanks.
 - b.** Provisions for operation and maintenance in accordance with manufacturer recommendations and industry standards. The O&M Plan shall include a schedule for routine maintenance, as well as specific operational parameters used to identify proper function or malfunction.
6. Sprague shall operate and maintain the Carbon Systems in accordance with the O&M Plan approved by EPA, under Paragraph 5 of the Appendix G.
7. Defendants shall comply with the requirements of New Hampshire code of Administrative Rules, Chapter Env-A 600 (Statewide Permit System), including but not limited to the permit application requirements of Chapter Env-A 600, as they pertain to any present or future activities that Defendants may conduct at the River Road Facility.



August 4, 2020

Martha Roy, Town Administrator
Town of Newington
205 Nimble Hill Road
Newington, NH 03801

Re: Sprague Odor Concern

Ms. Martha Roy,

As you have indicated, the Town of Newington administrative office has been receiving fume/odor-related complaints from the neighborhoods in the vicinity of the Sprague River Road Facility in the Town of Newington, New Hampshire. The fumes are allegedly associated with this River Road facility.

In a separate action, a complaint has been filed by the Federal Government against Sprague Resources, the operator of the River Road facility. The federal complaint indicates various Sprague facilities, including the River Road facility, are in violation of various state and federal regulations. As such, a settlement has been developed which includes numerous conditions or requirements that the various facilities need to address. Appendix H of the consent decree outlines the requirements associated with the River Road facility. To comply with the requirements and State regulations on air pollutant emissions, the facility will be required to apply for an operating permit with the New Hampshire Department of Environmental Services (NHDES).

Odor is generally not regulated but can be a nuisance and cause health concerns as each person have varying sensitivity to odor as discussed in a fact sheet (ARD-EHP-24) developed by NHDES. Even though odor is not regulated, air pollution and emissions of certain pollutants are regulated by NHDES and the United States Environmental Protection Agency (USEPA). However, odors can sometimes be caused by emissions of a regulated air pollutant. The Town of Newington proposes to revise Appendix H to include the requirement of Carbon Systems, which are control technologies that would reduce emissions associated with the facility's operations. By reducing emissions, the Carbon Systems could also potentially reduce the fumes that the neighborhoods are and have been experiencing. If such systems already exist at the facility, an examination of the systems should be conducted to confirm their effectiveness and operational conditions in reducing emissions.

Sincerely,

A handwritten signature in black ink, appearing to read "Quan Tat", is written over a horizontal line.

Vannasse Hangen Brustlin, Inc.

Quan Tat

Project Manager, Air Quality and Noise Services
qtat@vhb.com

Engineers | Scientists | Planners | Designers

101 Walnut Street
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Watertown, Massachusetts 02471
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SPC00076

ENVIRONMENTAL Fact Sheet



29 Hazen Drive, Concord, New Hampshire 03301 • (603) 271-3503 • www.des.nh.gov

ARD-EHP-24

2012

Odors and Your Health

The New Hampshire Department of Environmental Services is often asked to evaluate health impacts from exposure to environmental odors. An odor is a chemical in the air that is “smelled” or sensed by our nose (olfactory system). Apples smell like apples due to the chemicals that create the apple odor. Odors, also called smells, can be both pleasant and unpleasant. Most humans can distinguish more than 5,000 odors.

We breathe 10,000 to 20,000 liters of air a day, mostly through our noses. The olfactory system comes in contact with a different variety and concentration of odors every day. Odors can alert people that something may be harmful, but generally, you can smell many chemicals before they are at levels that are harmful to your health. For example, we are able to smell hydrogen sulfide (H_2S), which smells like rotten eggs, at very low levels; levels much lower than those at which this chemical can cause toxic health effects.

Can odors cause health problems?

Yes, certain groups of chemicals that produce odors are potentially harmful and can cause health problems. Some of these harmful chemicals are regulated by the New Hampshire Department of Environmental Services under the Air Toxics Program and the US Environmental Protection Agency under the Clean Air Act.

Just because something smells bad does not mean it is harmful, e.g., rotten eggs. Some harmful and/or deadly chemicals can have a mild or sweet odor like benzene, or no odor at all like carbon monoxide. Hydrogen sulfide (H_2S) smells like rotten eggs. The level at which you can begin to smell H_2S is approximately 1.0 microgram per cubic meter. EPA has determined that there is no health risk associated with exposure to H_2S at this concentration. The level that is considered to be harmful to public health and the environment for H_2S is 50 micrograms per cubic meter. What this means is you can begin to smell H_2S at levels below what is considered harmful to public health and the environment.

Effects from exposure to chemical odors can be an immediate health threat, a long-term threat, or may pose no health threat at all. Getting sick from chemical odors will depend on *what* you are exposed to, *how much* you are exposed to, *how long* you are exposed, *how often* you are exposed and your individual sensitivity to the odor.

The influence of odors on the health and comfort of individuals is difficult to evaluate. Odor sensitivity and response to odors differs from person to person. For some people who are more sensitive to odors, simply smelling a small amount of a foul odor can cause headaches and nausea. Sensitive populations include young children, pregnant women, the elderly and people with chronic health problems. People with chronic health problems include individuals with asthma, emphysema and other respiratory diseases, COPD (chronic obstructive pulmonary disease), depression, chemical hypersensitivity or stress-induced illness.

Conclusions

Often it is hard to draw a distinct line between a nuisance odor problem and an outright public health problem when members of a community are at risk of actually feeling sick. Unpleasant odors have often been recognized as “warning signs” of potential risks to human health rather than direct triggers of health effects. But we also know that odors from environmental sources might indeed cause health symptoms depending on the individual and specific environmental factors.

Each odor problem needs to be considered separately since they may differ widely in their nature and severity. While non-regulated chemical odors are not usually a significant public health hazard, the odors may be unpleasant and produce discomfort and temporary health symptoms. Measures to contain or eliminate unpleasant odors and prevent their migration into the community are warranted when these odors create a persistent nuisance.

For more information contact:

NH Department of Environmental Services
Environmental Health Program
PO Box 95
Concord, NH 03302-0095

(603) 271-1370

ENVIRONMENTAL
HEALTH
STRATEGY CENTER

August 5, 2020

Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611
Washington, DC 20044-7611

RE: Proposed Consent Decree in United States, et al. v. Sprague Resources LP, et al., D.J. Ref. No. 90-5-2-1-11436

To Whom It May Concern:

The Environmental Health Strategy Center strongly believes that the proposed consent decree referenced above needs to be modified to provide additional procedures for assuring local input, require the defendant to obtain a license modification, and address uncertainties in the emissions allowed. The Environmental Health Strategy Center is a Maine-based nonprofit organization that works to create a world where all people are healthy and thriving, with equal access to safe food and drinking water and products that are toxic-free and climate friendly. We are working for a world with *decreasing* rates of infertility, learning disabilities, cancer, and other illnesses.

In particular, we would like to call your attention to the comments submitted in reference to this consent decree by the City of South Portland on July 24th. We strongly support the requests of the city's Clean Air Advisory Committee as documented in this letter to you. Specifically, we call upon the Department of Justice to address the following short comings in the proposed consent decree before allowing it to be finalized:

- **The Consent Decree does not require Sprague to obtain a license modification or amendment from the Maine Department of Environmental Protection (MEDEP).**
- **There remains concern about the uncertainty and scale of Sprague's actual emissions.**
- **The Consent Decree does not limit Sprague's pollution on the basis of its actual emissions. It should be based on actual monitoring to ensure that the facility is actually emitting lower levels.**

- **The City of South Portland should be allowed to review Sprague's Design Plan and the Operation & Maintenance plan.**
- **If tanks are converted in South Portland, offsets should be required in South Portland, not merely in any facility in New England.**
- **The Consent Decree should require penalty compensation to the State of Maine when Maine law is violated.**

South Portland residents, as well as those across Southern Maine are rightly alarmed about the health impacts associated with "tank farm" emissions. Sprague's facility has long been the source of numerous, well-founded concerns about the health and safety of the South Portland community in which they are located, a coastal city of 25,000 people that is the easternmost oil port in the country.

Decades of scientific research has shown that the impact of exposure to toxic air pollutants is especially felt by pregnant women, babies, and young children. We know that toxic chemical exposure threatens children's developing bodies and brains with health harms that can have lifelong impact, including learning disabilities that represent not only avoidable harm to families, but also substantial costs for school districts such as South Portland's.

We urge the Department to revise the consent decree to reflect the reasonable, responsible, and public-health-directed recommendations contained within the city of South Portland's July 24th letter. Please do not hesitate to contact me at [REDACTED] with any questions or concerns.

Sincerely,

Sarah Woodbury
Advocacy Director

Comments concerning: United States, et al. v. Sprague Resources LP, et al., D.J. Ref. No. 90-5-2-1-11436

I appreciate the opportunity to comment on the Sprague Resources consent decree. As a pediatrician I am very concerned about the health effects on the community. South Portland's population is 25,606 (2018, US Census Bureau). South Portland at 2,085 inhabitants per square mile, makes it the 2nd most dense of Maine's largest 5 cities. South Portland is unique in that its population is closely inter twined with a large number of industrial facilities. Within the immediate vicinity of the Sprague tank farm are residences, businesses, and a day care facility.

Shockingly, the EPA found that for many years Sprague was unlicensed to store asphalt and No. 6 fuel oil. Instead of violating a permit, it appears that Sprague choose not have a permit at all. Thus, Sprague emitted an unknown quantity of undocumented unregulated toxic air emissions with disregard for the welfare of the community, especially that of vulnerable populations. Included in their unlicensed emissions are volatile organic compounds, such as benzene, that are known carcinogens listed in the EPA Integrated Risk (IRIS). Many of the toxic emissions are also known agents for asthma and neurodevelopmental disorders.

Gross violations such as Sprague's unlicensed toxic air emissions clearly demonstrate the need for rigorous in-depth monitoring of air toxics in South Portland. Considering the population density and topography of South Portland there must an adequate picture of the risks to which the public is exposed. Therefore, I hope that the following suggested actions will be considered.

Continuous 24/7 monitoring be mandated for all stacks and ventilation ports for several years to include speciation for individual HAP's. Such measurement is imperative since calculated emissions can be manipulated with fallacious assumptions that will produce calculated data below that of true emissions. In addition, fence line monitoring with passive samplers should be mandated. This will help detect accidental and fugitive emissions that stack monitoring will not detect, and also provide a further detection barrier to enhance the safety of surrounding areas.

Significant and substantial compensation should be provided to the South Portland School District, Health Department and early childhood development programs in attempt to in part compensate for the community's exposure from Sprague's long term emission of unlicensed toxic chemicals.

Application of Sprague for their previously unlicensed and undocumented discharge of toxic air emissions and their subsequent corrective action should be considered a permit modification instead of a minor revision. After appropriately rigorous data collection and analysis of actual air emissions, a new source review may be indicated.

These considerations are not onerous. They are measures protecting the health and the future of the citizens of South Portland. Thorough monitoring of the exposure to pregnant mothers and children by air toxics and reduction of exposure is a very cost effective step in protecting both economic and human capital.

Thank you for your consideration.

Sincerely,

Bruce Taylor, MD, FAAP
Sweden, Maine